

PRESENT: Homer, Ronzone, Swackhamer, Olsen, Lowman, Bryan, Getto, Dini and Fry

ABSENT: None

OTHERS: Senator Wilson

Chairman Homer called the meeting to order at 8:15 A.M. for the purpose of discussing S.B. 275 which "Enacts new air pollution control law".

Senator Wilson had some additional amendments to S.B. 275 which he presented. See attached. In talking about the bill, he said they had objected to the workload that would be placed on the Governor's Environmental Counsel if that was the board which was decided upon. He said the Senate was willing to accept any board the Assembly wants. They just feel a start has to be made. He said they were concerned about what would happen if you give two or three functions to a board that really isn't designed to do them.

Chairman Homer commented that he had spoken to the Environmental Chief from the Health Department and he had said it will be impossible to work under these boards if more than one is decided upon. He said if one board is established or decided upon, then it will be a workable program. Chairman Homer felt there should be a lay board using the Governor's Environmental Counsel for expertise. If this is not done, you are creating a hodge-podge here that just isn't going to work.

Mr. Swackhamer wondered if the Governor's Environmental Counsel was semi-judicial. Senator Wilson said it was not. All it is is an executive order. You would have to put it in the statutes if they were to exercise judicial powers. Mr. Swackhamer thought giving a board responsibility without much authority was not a very good idea. Senator Wilson agreed if they are to be a review board of the other boards. Wilson said he preferred the board presently in S.B. 275 - a board separate from the Governor's Counsel. He said the Governor's concern is the workload being placed on the Counsel. They already have regular workloads now and we are talking about imposing on them new responsibilities. But, if this is the way you want to go, the Governor will go along with it.

Mr. Swackhamer thought it would be best to have a place for people to go in these cases before going to court. Wilson agreed and said that was the purpose of the Governor's Environmental Counsel. Mr. Swackhamer then said the committee should go ahead with the amendments Wilson had presented. Mr. Dini questioned if we were going to stay with the board in the bill as it is or work with it a little more. The committee decided to work on it a little more.

Mr. Swackhamer then brought up page 6, Line 40 of the bill. He thought that would mean that people have to play by the rules but we don't have to tell them what the rules are. He felt it should be written to be a little more clear. Senator Wilson said we don't want the board to stop governing a problem because we have not yet made a regulation. Mr. Swackhamer said he wouldn't want to see anyone put in the position of being charged with something capricious. Mr. Wilson said anyone has the de novo right to protect them from such things. Mr. Bryan said the whole idea of this is to take into consideration that technology may change.

Senator Wilson went on to say that it seems the very biggest question concerning this bill is the adoption of a board. He said it was very important to have a board that will have time to take care of this and not have to worry about staff. Mr. Getto said he had his doubts about the Counsel because all of those people are heads of departments and already have many responsibilities. Mr. Lowman said we are in that position with this whole bill because we have not created any new staff. Mr. Bryan

added that the job of promulgating regulations is going to be tremendous. All this bill does is give the board the "bare bones".

It was then decided to continue the meeting later on during the day for further discussion of S.B. 275. Meeting adjourned at 9:00 A.M.

jb

ADD TO BILL ON MOTOR VEHICLE POLLUTION CONTROL INSPECTION

Sec. _____

No person shall operate or leave standing on any highway any motor vehicle which is required by Federal regulation to be equipped with a motor vehicle pollution control device unless such device is correctly installed and in operating condition. No person shall disconnect, alter or modify any such required device. The provisions of this section shall not apply to an alteration or modification found by the Environmental Protection Board to not reduce the effectiveness of any required motor vehicle pollution control device.

Sec. _____

Whenever any motor vehicle is found by any peace officer to be in violation of the provision of section ^{above -} _____ of this act, and a notice to appear or citation is issued, it may require that the person named therein shall produce in court proof that the vehicle or its equipment has been made to conform to the provision of section ^{above -} _____ ~~as evidenced by a certificate of compliance issued by a licensed installer.~~